

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. OCTOBER 14, 1997

PRESENT:

Mike Mouliot, Vice Chairman  
Susan Camp, Commissioner  
Jim Galloway, Commissioner  
Jim Shaw, Commissioner

Betty Lewis, Chief Deputy County Clerk  
John MacIntyre, County Manager  
Madelyn Shipman, Legal Counsel

ABSENT:

Joanne Bond, Chairman

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

97-991 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the agenda for the October 14, 1997 meeting be approved with the following amendments -- Delete: Item 12C(1), Appointment - East Washoe Valley Citizen Board (continued to October 28, 1997); Item 19E, CPA97-F-01[A] (Administrative Changes) and Appeal of CPA97--F-01 [B] (Gary Schmidt) continued to October 28, 1997.

John MacIntyre, County Manager, advised that Comprehensive Plan Amendment Case No. CPA97-SWTM-1 (E. A. Collins Property) had been recommended for denial at the Planning Commission on August 19, 1997; that there had been an understanding that this matter would be considered this evening; that the applicant has indicated an appeal will be filed and has requested that it be heard on December 9, 1997.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that Comprehensive Plan Amendment Case No. CPA97-SWTM-1 (E.A. Collins Property) be continued to December 9, 1997 at 5:15 p.m.

PUBLIC COMMENTS

Dalton LaRue, residing on Winnemucca Ranch Road discussed safety issues relating to the road located near Mr. Marshall's property line and distributed photographs to the Board for their review. He explained that many accidents have occurred on the road; and that the Washoe County School District will not send school buses up the road to pick up his children due to the condition of the road. Madelyn Shipman, Assistant District Attorney, advised Mr. LaRue that although this was not an action item, the County Manager could request staff to further investigate this matter.

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THE BOARD CONVENED AS THE GAMING LICENSE BOARD

97-992 GAMING LICENSE BOARD - OLE TYME SALOON

Upon recommendation of Karen Carmel, Business License & Code Enforcement, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that a gaming license (previously approved by the Nevada State Gaming Commission on August 21, 1997) for Ole Tyme Saloon, Joseph F. Rooney, President, Geiger Asset Management, Inc., located at 1505 Geiger Grade, Reno, Nevada, be approved.

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THE BOARD RECONVENED AS THE COUNTY COMMISSIONERS

MINUTES

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the minutes of the regular meetings of September 9 and 16, 1997, be approved.

97-993 CERTIFICATE OF APPRECIATION - GRANT SIMS

This item was scheduled for a future meeting as Mr. Sims was unable to be in attendance to accept the Certificate of Appreciation due to a prior commitment.

97-994 CERTIFICATE OF APPRECIATION - WAYNE ANDERSON

Vice Chairman Mouliot presented a "Certificate of Appreciation Upon Retirement" on behalf of the Board to Wayne Anderson in recognition of 25 years of continuous service with Washoe County.

Ron Wolff, Director, Management Information Services, presented a plaque on behalf of the MIS Department and commended Mr. Anderson for his numerous contributions to the department.

97-995 ACCEPTANCE OF GRANT - WASHOE LOCAL EMERGENCY RESPONSE COMMISSION - EMERGENCY MANAGEMENT

Upon recommendation of Press Clewe, Finance Committee Chairman, and Carl Cahill, Chairman, Washoe Local Emergency Planning Committee, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that a State of Nevada Emergency Response Commission General Operations Grant in the amount of \$1,243.97 be accepted on behalf of the Washoe Local Emergency Planning Committee.

97-996 FOSTER HOME RATE INCREASE

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that an increase in monthly foster care rates effective October 1, 1997 be approved as follows:

Foster Care Rates (monthly):	From	To
Age 0-12 years	\$304.00	\$365.00
Age 13 years and over	\$365.00	\$438.00

97-997 BUDGET AMENDMENT - FY 1997/98 MATERNAL AND CHILD HEALTH BUDGET

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that an amendment to the District Health Department Fiscal Year 1997/98 Maternal and Child Health Budget in the amount of \$6,146 in State funds be approved and the following account transactions be authorized:

Account Number	Description	Amount
002-1700-1705G2-4302	State Contributions	\$6,146.00
002-1700-1705G2-7140	Professional Services	\$6,146.00

97-998 BUDGET AMENDMENT - FY 1997/98 TUBERCULOSIS ELIMINATION PROGRAM BUDGET - HEALTH

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that an amendment to the District Health Department Fiscal Year 1997/98 Tuberculosis Elimination Program Budget in the amount of \$11,200 in federal funds be approved and the following account transactions be authorized:

Account Number	Description	Amount
002-1700-1714G3-4301	Federal Contributions	\$11,200.00
002-1700-1714G3-72051	Personal Computers	\$ 4,500.00
-7364	Registration	1,000.00
-7620	Travel	5,700.00
	TOTAL	\$11,200.00

97-999 PURCHASE - AUTOMOBILE PARTS AND ACCESSORIES - 1925 BUICK - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the purchase of automobile parts and accessories (utilizing drug seizure funds--Account 15141D-7398), for the purpose of rebuilding a 1925 Buick 4-door vehicle once used as a police vehicle, be authorized in an approximate amount of \$3,000.00.

It was noted that the vehicle previously rebuilt will be utilized as a DARE/GREAT vehicle for use in the Sheriff's anti-drug education programs and for public relations purposes demonstrating vehicles and tools once used at the agency.

Commissioner Camp commended the Sheriff's Office for utilization of drug seizure funds for this purpose.

97-1000 ACCEPTANCE OF DONATION - D.A.R.E. PROGRAM - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the acceptance of a \$1,500.00 donation from Lifestyle Homes, Incorporated, to be used for the D.A.R.E. Program, be accepted with gratitude.

Commissioner Camp personally acknowledged the donation from Lifestyle Homes.

#### 97-1001 CAPITAL EXPENDITURE - DNA PROCESSOR - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the purchase of one ProfiBLOT II, automated DNA Processor in the amount of \$19,200 be authorized.

It was noted that the instrument will be purchased out of drug revenue account 15220D-7814 generated from conviction fees.

#### 97-1002 ENGINEERING CONTRACT - CFA ENGINEERS - DESIGN CHANGES - SAD 23 - SOUTHWEST POINTE - PUBLIC WORKS/UTILITY

Upon recommendation of David Roundtree, Public Works Director, and John Collins, Utility Services Division Manager, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that a change to the source of funding for the engineering contract with CFA Engineers for design associated with the water and effluent facilities and road improvements included in Special Assessment District 23 (Southwest Pointe) be approved.

#### 97-1003 RESOLUTION FOR ACCEPTING STREETS - RENO PARKS ESTATES SUBDIVISION UNIT 2B-9 - ENGINEERING

Upon recommendation of David Price, County Engineer, through David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Vice Chairman Mouliot be authorized to execute:

RESOLUTION FOR ACCEPTING STREETS RENO PARK ESTATES SUBDIVISION UNIT 2B-9, TRACT MAP NO. 2776, DOCUMENT NO. 1486728, RECORDED JUNE 13, 1991.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2776, Document No. 1486728 recorded on June 13, 1991; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that portions of Grouse Way, Blackbird Drive, Parrot Drive, and Blackbird Court shown on Exhibit A (placed on file with the Clerk) are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

#### 97-1004 ACCEPTANCE - 3CMA SAVVY AWARDS

John MacIntyre, County Manager, explained that 3CMA is an organization for local government public relations and government affairs professionals.

Mary Henderson, Public Affairs Director advised that the County won two Savvy awards, a first place award for a video presented last year at the NACO convention; and that a second place award was received for marketing tools. Mr. MacIntyre commended Ms. Henderson and Kathy Kollar, Public Information Officer for their efforts in this regard.

#### 97-1005 PROCLAMATION - TRUCKEE MEADOWS TOMORROW - "ACCENTUATE THE POSITIVE"

On motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the following resolution be adopted and Vice Chairman Mouliot authorized to execute:

#### PROCLAMATION

WHEREAS, residents of the Truckee Meadows enjoy an outstanding Quality of Life, and

WHEREAS, Quality of Life reflects our ability to enjoy cultural, educational, recreational, environmental, social, economic and health resources, and

WHEREAS, the Truckee Meadows Tomorrow and the Regional Planning Governing Board are participating in a public-private partnership and have been working on improving the Quality of Life Indicators for several years, and

WHEREAS, Quality of Life Indicators were established to help maintain and improve our Quality of Life, and

WHEREAS, public awareness of Quality of Life indicators is important to generating improvement in specific Indicators, and

WHEREAS, part of the mission of Truckee Meadows Tomorrow is to promote public awareness of and support for Quality of Life Indicators, and

WHEREAS, Truckee Meadows Tomorrow and the Truckee Meadows Regional Planning Agency have joined together to sponsor and promote "Accentuate the Positive", and

WHEREAS, "Accentuate the Positive" provides an opportunity to salute the best of what is good about the Truckee Meadows, including individuals and businesses, organizations and governments who have contributed to a better Quality of Life, and,

WHEREAS, "Accentuate the Positive" provides an opportunity to generate awareness about Quality of Life Indicators in which further refinements may be needed; now , therefore, be it

PROCLAIMED BY THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the week of October 6 through October 10, 1997 is "Accentuate the Positive Week" in Nevada.

BE IT FURTHER PROCLAIMED, that all residents of the Truckee Meadows take time during this week to reflect on the positive aspects of our Quality of Life and consider what they can do as individuals to make it even better.

97-1006 AWARD OF BID - CARPET TILE & INSTALLATION - BID # 2021-98 - 9TH STREET COMPLEX BUILDING "C"

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on August 15, 1997, for Carpet Tile & Installation at the 9th Street Complex Building "C" (Assessor, Comptroller, M.I.S., Purchasing and Treasurer, on behalf of the Building & Grounds Division of the General Services Department. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- B.T. Mancini
- Dupont Flooring
- Phil's Fine Floors

Simas Floors submitted a "late" bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that Bid No. 2021-98 for Carpet, Tile & Installation at the 9th Street Complex Building "C" (Assessor, Comptroller, M.I.S., Purchasing and Treasurer) on behalf of the Building & Grounds Division of the General Services Department be awarded to Phil's Fine Floors, the lowest, responsive and responsible bidder meeting specifications, terms and conditions in the amount of \$203,344.25.

It was further ordered that the provision in Bid #2021-98, Section 1.9 allowing Washoe County to utilize bid pricing for future Fiscal Year 1997/98 requirement if prices do not increase be authorized.

97-1007 AWARD OF BID - TOPSOIL, HUMUS & AGGREGATES - BID # 2024-98

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on August 17, 1997, for Topsoil, Humus and Aggregates on behalf of various County Departments. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Cinderlite Trucking
- Granite Cons. Co. Inc.
- Gopher Construction Co.
- Nevada Organics
- Rilite Aggregate Co.
- Rocky Ridge, Inc.
- Sha-Neva, Inc.

Advanced Companies, Nevada Hydrocarbon and Nordic Industries, Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that Bid No. 2024-98 for Topsoil, Humus & Aggregates, on behalf of various County Departments be awarded on an as-needed basis during the term of the agreement, effective from the date of bid award through August 31, 1998, with an option to extend the agreement for one additional year, provided that prices do not increase as follows:

Bidders	Bid Item #	Delivery Areas
Cinderlite Trucking	13.	A, through J (All departments except golf course)
Granite Construction Company	1.1	Will call at plant
	6.	A through G, and I
	19.	L
Nevada Organics	7.	A through K
	10.	A,B,D,E
	11.	A,B,D,E
	13.	A through J (Golf Course only), K
	13.	Exception A through K

Rilite Aggregate Company

- 1.1 Will call at plant
- 1. B
- 3. B
- 5. B through F, H, J, K
- 14. B, (Golf Course only)
- 15. A, B, C (All departments except Parks)
- 16. A, B, C (All departments except Parks & Golf Course)
- 17. H, J, K
- 18. A through K (All departments except Golf Course)

Rocky Ridge, Inc.

- 1.1 Will call at plant
- 1. A, C through K
- 2. A through K
- 3. A, C through K
- 5. A, G, I
- 6. H, J, K
- 10. I, J
- 11. I, J
- 16. A, B, C, (Golf Course & Parks Only)
- 16. D through K
- 17. A through G, I, J
- 19. A through K, M, N

Sha-Neva, Inc.

- 10. C, F, G, H, K
- 11. A, B (Roads only)
- 11. D, E (Roads only)
- 11. F, G, H, K
- 12. A through K
- 14. B, (Roads only)
- 14. A, C through K (All departments except Golf Course)

- 15. D through K (All departments except Golf Course & Parks)
- 18. A through K (Golf Course only)

It was further ordered that Bid Items #4, #8 and #9 be rejected to all delivery locations noting that the above-listed items did not receive consideration from any of the responding bidders as the material is not available at this time.

It was noted that the Roads Division, Utility Division and the Parks and Recreation Department have examined and evaluated various material that have been bid; that they have determined that some of the bid material does not meet their individual application; and that the Purchasing and Contracts Administrator be authorized to procure this type of material on an "as needed" basis for the term of the award period through August 31, 1998 with an option to extend the agreement for one additional year, provided that prices do not increase.

97-1008 AWARD OF BID - EPA APPROVED ROAD DE-ICING SAND - BID # 2028-98 - IN JOINDER

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 5, 1997, for EPA Approved Road De-Icing Sand on behalf of the Roads Division of the Public Works Departments and the City of Reno. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- Cinderlite Trucking Corp.
- Granite Construction Company
- Gopher Construction Inc.
- Sha-Neva, Inc.

Rilite Aggregate Co. submitted a "no-bid" response and Aggregate Transport Systems, All-lite Aggregate, Dayton Sand & Gravel, Nevada Hydrocarbon, Inc., Nevada Organics, Nordic Industries, Inc., Paiute Pit Agregates, Q & D Construction, Inc., Rainbow Rock, Rilite Aggregate Co., and Rocky Ridge failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that Bid No. 2028-98 for EPA Approved Road De-Icing Sand for the Roads Division of the Public Works Department and the City of Reno be awarded as follows:

Washoe County Roads Division:

Bidder	Cost
Bid Items	
Granite Construction Company	
#1 EPA Sand Delivered	\$ 6.46/per ton

#1.A. EPA Sand Total	\$50,388.00
Sha-Neva, Inc.	
#1.B. EPA Sand F.O.B. Plant	\$ 4.57/per ton
Cinderlite Trucking, Inc.	
#1.B. EPA Sand F.O.B. Plant	\$ 6.00/per ton
Gopher Construction, Inc.	
#1.B. EPA Sand F.O.B. Plant	\$ 2.00/per ton
City of Reno	
Granite Construction Company	
#2 EPA Sand Delivered	\$ 6.46/per ton
#2.A. EPA Sand Total	\$32,300.00
Sha-Neva, Inc.	
#2.B. EPA Sand F.O.B. Plant	\$ 4.57/per ton
Cinderlite Trucking, Inc.	
#2.B. EPA Sand F.O.B. Plant	\$ 6.00/per ton
Gopher Construction Inc.	
#2.B. EPA Sand F.O.B. Plant	\$ 2.00/per ton

It was noted that Bid Item 2.B. Sha-Neva, Inc., Cinderlite Trucking, Inc., and Gopher Construction, represents the most economical backhaul situation, depending on the close proximity of the awardees plants to the work being done by the City of Reno.

It was further noted that the award shall be for an approximate one-year period, October 1, 1997 to September 30, 1998 with the provision for a one-year extension; that this is a road maintenance item which will be purchased on an as-needed basis during the term of the agreement; that the initial procurement for Washoe County is \$50,388.00; and that the initial procurement for the City of Reno is \$32,300.00

97-1009 AWARD OF CONSTRUCTION BID - SOUTH TRUCKEE MEADOWS EFFLUENT REUSE SYSTEM - EFFLUENT STORAGE TANK - UTILITY

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 2, 4, 9, 11 and 17, 1997, for construction of the South Truckee Meadows Effluent Reuse System Effluent Storage Tank on behalf of the Department of Water Resources. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following contractors:

Engineer's Estimate	\$1,080,200.00
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Q & D Construction	\$ 952,544.00
Ford Construction Company, Inc.	\$ 960,085.00
A & K Earthmovers	\$1,026,026.00
Pacific Mechanical Corp.	\$1,071,728.00
Burdick Excavating	\$1,127,763.10
K.G. Walters Construction Company	\$1,177,702.80
Lorang Brothers Construction	\$1,180,717.30

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Camp seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the bid for construction of the South Truckee Meadows Effluent Reuse System Effluent Storage Tank be awarded to Q & D Construction Company, Inc., the lowest responsible, responsive bidder in the amount of \$952,544.00; that Vice Chairman Mouliot be authorized to execute the contract documents upon their receipt; and that the Utility Services Manager be authorized to issue the Notice to Proceed.

97-1010 AWARD OF CONSTRUCTION BID - SOUTH TRUCKEE MEADOWS EFFLUENT REUSE SYSTEM - PUMPING FACILITIES - UTILITY

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 3, 4, 9, 11, 15, 17 and 18, 1997, for construction of the South Truckee Meadows Effluent Reuse System Pumping Facilities on behalf of the Department of Water Resources. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following contractors:

Engineer's Estimate	\$ 2,493,150
Resource Development Company	\$ 1,750,770
Pacific Mechanical Corp.	\$ 1,808,070
Ford Construction Company, Inc.	\$ 1,809,400
K.G. Walters Construction Company, Inc.	\$ 2,045,870
Landmark Construction Company	\$ 2,049,800

Upon recommendation of John Collins, Utility Services Manager, on motion by Commissioner Camp seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the bid for construction of the South Truckee Meadows Effluent Reuse System Pumping Facilities be awarded to Resource Development Company, the lowest responsible, responsive bidder in the amount of \$1,750,770; that Vice Chairman Mouliot be authorized to execute the contract documents upon their receipt; and that the Utility Services Manager be authorized to issue the Notice to Proceed.

## 97-1011 AWARD OF CONSTRUCTION BID - SIDEHILL STORMWATER DETENTION BASIN - UTILITY

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 18 and 25, 1997, for construction of the Sidehill Stormwater Detention Basin on behalf of the Engineering Division of the Public Works Department. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following contractors:

Ace Asphalt Paving	\$ 780,000.00
A & K Earthmovers	\$ 821,582.00
Q & D Construction	\$ 886,423.00
Ford Construction Company	\$ 902,130.00
Frehner Construction Company	\$ 945,000.00
Granite Construction Company	\$1,025,025.00

John MacIntyre, County Manager, reviewed background information concerning this item advising that a formal protest had been received via fax on October 10, 1997 from Richard Elmore, attorney representing A&K Earthmovers, the second low bidder on the project; and that it had been received after finalization of the Commission agenda.

Richard Elmore, attorney representing A&K Earthmovers, stated that an application is currently pending before the Contractors Board which will be heard tomorrow; that a decision will be made at that time to determine if Ace Asphalt Paving, the low bidder, will be allowed a one-time limit increase on their license, which in his opinion will be denied.

Following discussion, upon recommendation of David Price, County Engineer, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the bid for construction of the Sidehill Stormwater Detention Basin, Washoe County, Nevada be awarded to the low bidder, Ace Asphalt Paving, in the amount of \$780,000.00, contingent upon the Contractor's Board approval of the single project limit increase, with award of bid to the second lowest bidder A&K Earthmovers in the amount of \$821,582.00 should Ace Asphalt Paving's application be denied by the Contractor's Board; and that Vice Chairman Mouliot be authorized to execute the contract when presented.

## 97-1012 AWARD OF BID - TRUCKEE RIVER MOBILE HOME PARK DEMOLITION AND RECLAMATION PROJECT ENGINEERING

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 25, 1997, for the Truckee River Mobile Home Park Reclamation Project, Lockwood, Nevada on behalf of the Engineering Division of the Department of Public Works. Proof was made the due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following contractors:

Earl E. Games, Inc.	\$ 238,945.00
Ace Asphalt Paving	\$ 249,500.00
Contri Construction Company	\$ 298,000.00
Ford Construction Company, Inc.	\$ 305,370.00

Upon recommendation of David Price, County Engineer, through David Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it ordered that the award for the Truckee River Mobile Home Park Demolition and Reclamation Project be awarded to the low, responsible bidder, Earl E. Games, Inc., in the amount of \$248,545.00 including Base Bid and Bid Alternates A5 and A6; and that Vice Chairman Mouliot be authorized to execute the contract when presented.

It was noted that the project will be funded through Public Works Account FL160103-7880; that the project is eligible for 75% reimbursement from FEMA; and that the remaining 25% will be contributed by the State of Nevada.

97-1013 INTERLOCAL AGREEMENT - STATE OF NEVADA - DEPT. OF HUMAN RESOURCES - TITLE XIX SOCIAL SECURITY ACT - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an Interlocal Agreement between Washoe County and the Department of Human Resources (Nevada State Division of Health Care Financing and Policy), concerning administrative services necessary to implement the County Match Program, be approved and Vice Chairman Mouliot authorized to execute.

97-1014 RENEWAL - INTERLOCAL CONTRACT - STATE OF NEVADA DEPARTMENT OF HUMAN RESOURCES - INTERGOVERN- MENTAL TRANSFER PROGRAM - SOCIAL SERVICES

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, it was ordered that the renewal of an Interlocal Contract between Washoe County and the State of Nevada (Department of Human Resources), concerning the Intergovernmental Transfer Program, effective July 1, 1997 through June 30, 1999 be approved, and Vice Chairman Mouliot authorized to execute.

97-1015 PROFESSIONAL SERVICES AGREEMENT - RAM DATA SYSTEMS & CONTINGENCY TRANSFER - SHERIFF

Upon recommendation of Gary Goelitz, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that a Professional Services Agreement between Washoe County and RAM Data Systems for conversion and enhancements to the jail information system be approved; that Vice Chairman Mouliot be authorized to execute; and that a Contingency Transfer in the amount of \$48,600 for this purpose be authorized as follows:

Transfer From:

Account	Account Description	Amount
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001-1890-7328	Contingency	\$48,600.00
Transfer To:		
Account	Account Description	Amount
001-1590-7105	Consulting Services	\$48,600.00

97-1016 CORRECTION OF FACTUAL ERRORS - ASSESSOR

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills already mailed for the 1996/97 Unsecured Roll and 1997/98 Secured Roll, be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is placed on file with the Clerk. It was further ordered that the Orders directing the Treasurer to correct the errors be approved and Vice Chairman Mouliot be authorized to execute on behalf of the Commission.

Sierra West Bank	I.D. #2/191/650
McMahan Furniture of Reno, Inc.	APN # 01346215
Breevast Reno, Inc.	Parcel No. 024-055-33
Alexander F. and Maria S. Koenig, Jr.	Parcel No. 005-121-19
Airport Authority of Washoe County	Parcel No. 032-282-21
Lou Fascio, Inc.	Parcel No. 071-265-08
Housing Authority of the City of Reno	Parcel No. 10-154-09
Nancy L. Jones, TR.	Parcel No. 023-373-22
Hanover Financial Corp.	Parcel No. 023-710-17
Housing Authority of the City of Reno	Parcel No. 33-291-22
Caughlin Ranch Homeowners Association	Parcel No. 041-262-01
Gregory J. & Janet Rice	Parcel No. 051-431-03
Leslie & Magda Kispal. TR.	Parcel No. 130-241-25
Gregory C. Neuweiler	Parcel No 160-090-01
University of Nevada Student Aid Fund, Inc.	Parcel No. 49-300-85

97-1017 UNCOLLECTIBLE PERSONAL PROPERTY ACCOUNTS - COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that the deletion of Uncollectible Personal Property Accounts from Personal Property Tax Rolls,

which were placed on file with the Clerk, be authorized.

## 97-1018 1997 AUCTION TAX DELINQUENT LANDS HELD IN TRUST - PUBLIC WORKS

This item was continued from September 16, 1997.

County Manager John MacIntyre discussed questions raised at yesterday's caucus concerning four parcels requested for acquisition by the City of Reno intended for affordable housing. Mr. MacIntyre advised that the City of Reno's HOME Consortium Program Director would be amenable to having the parcels retained in the name of Washoe County and have the record reflect that they are to be utilized for the purpose of the HOME Consortium for single family residential affordable housing.

Madelyn Shipman, Assistant District Attorney, clarified that in this case, Washoe County is being substituted on behalf of the HOME Consortium to acquire the property for a taxable value of \$933.80 representing the delinquent taxes owed on the property.

Upon recommendation of Mimi Fujii-Strickler, Civil Engineer Assistant, through David Roundtree, Public Works Director, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Treasurer be authorized to auction all tax delinquent lands held in trust, with the exception of parcels listed on Exhibit "A" as amended and placed on file with the Clerk; that the following Resolution be adopted as amended; and Vice Chairman Mouliot be authorized to execute on behalf of Washoe County:

RESOLUTION of the Board of County Commissioners of the County of Washoe, Nevada pertaining to disposition of tax delinquent parcels of real property.

WHEREAS, pursuant to NRS 361.603, local governments are permitted to acquire tax delinquent properties held in trust by the Treasurer of their County by virtue of a deed made pursuant to the provisions of Chapter 361 of NRS; and

WHEREAS, the properties described herein, being tax delinquent, are held in trust by the Washoe County Treasurer, by virtue of deed made pursuant to Chapter 361 of NRS; and

WHEREAS, the Board of County Commissioners of Washoe County hereby determines that the public interest will be best served by the sale of this property to governmental units.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY AS FOLLOWS:

1. The Washoe County Treasurer is hereby directed to give notice of intention to sell tax delinquent properties described in paragraph 3 herein, to the last known owner or owners of said property, or their heirs or devisees, in the manner provided by law.
2. If the owner or owners of the parcels described in paragraph 3 herein, of their heirs or devisees, fail to redeem the property within the time allowed by law, the Washoe County Treasurer shall transfer ownership of said property to the governmental units in a manner prescribed by law.

3. Tax delinquent parcels to be sold to governmental units.

a. Washoe County Utilities:

APNs:	
049-080-02	Well Site
080-170-03	Future Well Pipeline

b. U.S. Forest Service:

APN's:	
081-050-23	Mining Patents
081-060-03	Open Space

c. Washoe County Community Development:

APN's:	
016-740-09	Open Space
016-762-14 through 17	Open Space
016-764-09	Open Space
076-600-06	Open Space
076-610-01	Open Space
076-090-35	Open Space

d. Washoe County:

APN's:	
090-061-01 through 04	Affordable Housing

e. The Bureau of Land Management:

APN's:	
076-080-33	Open Space
076-080-36	Open Space

076-080-37

Open Space

076-080-38

Open Space

079-010-04

Open Space

\* \* \* \* \*

Commissioner Galloway advised that he and Commissioner Camp had been previously appointed to a subcommittee for the purpose of interviewing individuals for appointments to the following Boards and discussed their recommendations:

97-1019 APPOINTMENT - TRUCKEE RIVER ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that Peter Amundson be appointed to the Truckee River Advisory Board to fill Dr. Scott Tyler's unexpired term to June 1, 1999.

97-1020 RESIGNATION & APPOINTMENT - BOARD OF EQUALIZATION

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that the resignation of Bruce James from the Washoe County Board of Equalization be accepted effective October 1, 1997; and that James O'Brien be appointed to fill his unexpired term to June 30, 1999.

97-1021 CHANGE OF POSITION & APPOINTMENT - GALENA-STEAMBOAT CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the at-large position held by Christine Aldridge on the Galena-Steamboat Citizen Advisory Board be changed to the Toll Road/Steamboat representative on the same Board with a term limit remaining the same and expiring on June 30, 1999.

It was further ordered that Dennis Callahan (Callahan Ranch) and Noran Ruden, at-large representative, be appointed to fill the vacant positions on the Galena-Steamboat CAB with terms to expire June 30, 1999 and June 30, 1998 respectively.

97-1022 APPOINTMENTS - SOUTHEAST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that Stan Bennett (Virginia Foothills), Ken Platt (Hidden Valley Homeowner's Association), and Jim Pilzner (Hidden Valley Homeowner's Association) be appointed to the Southeast Truckee Meadows Citizen Advisory Board with terms to expire June 30, 1999.

97-1023 APPOINTMENT - SOUTHWEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that Rusty Crook be appointed to fill the unexpired term of Jack Crowley, as at-large representative on the Southwest Truckee Meadows Citizen Advisory

Board with a term to expire June 30, 1999.

#### 97-1024 RESIGNATION & APPOINTMENT - WEST WASHOE VALLEY CITIZEN ADVISORY BOARD

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the resignation of Loretta Beckman-Carr from the West Washoe Valley Citizen Board be accepted; and that Sharon Burke be appointed to fill her unexpired term to June 30, 1998.

#### 97-1025 ENGAGEMENT - SWENDSEID AND STERN - BOND COUNSEL SPECIAL ASSESSMENT DISTRICT 23 - FINANCE

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that the engagement of Swendseid and Stern as Bond Counsel for Special Assessment District No. 23 be approved; and that payment for services based on the standard hourly rates of legal assistants and attorneys who perform services in an amount not-to-exceed \$65,000, plus out of pocket costs and the cost of any extraordinary features, be authorized.

It was noted that all costs and fees will be paid or reimbursed from Special Assessment District proceeds.

#### 97-1026 ACCEPTANCE OF DONATION- TRUCKEE MEADOWS FIRE PROTECTION DISTRICT - 1974 INTERNATIONAL ONE-TON 4X4 FIRE TRUCK - FINANCE

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that the donation of a 1974 International one-ton 4X4 fire truck, VIN#4Q2A0DHB54175 including tank, pump, radio and other appurtenances from the Truckee Meadows Fire Protection District be accepted; and that the same equipment be donated in turn to the Fort Bidwell Volunteer Fire Department, Fort Bidwell, California.

#### 97-1027 DISCUSSION AND UPDATE - WATER RESOURCE ISSUES

Leonard Crowe, Water Resources Planning Manager, stated that direction was given to the Corp of Engineers at a joint meeting with the County Commission, the City of Reno and Sparks on October 8, 1997 to proceed with the Truckee Meadows Flood Control Project. He advised that it is his belief that the Board could move forward early on with projects of a smaller magnitude that could be presented to the Corp for cost sharing; that staff is proposing the enhancement of an existing levy in Hidden Valley which would provide additional flood protection and immediate relief for residents residing in homes constructed in the early 1980's that were not required to meet current standards for flood control prior to flood insurance being in place and located in an area where 25 homes were severely damaged in the flood of '97; and that other areas situated near Rock Boulevard and North of the Truckee River near Glendale Avenue are being considered as well.

Commissioner Galloway stated that he would be desirous of discussing funding mechanisms for the project before they enter into cost sharing with the Corp of Engineers and Mr. Crowe stated that funding currently exists for the design phase of the project.

#### 97-1028 BILL NO. 1170 - ORDINANCE 995 - AMENDING ORDINANCE 972 - "1996 PUBLIC SAFETY BOND ORDINANCE"

Following the introduction of Bill No. 1170 by Commissioner Galloway, on motion by Commissioner Camp, seconded by Commissioner Shaw,

which motion duly carried, Vice Chairman Mouliot ordered that Ordinance No. 995, Bill No. 1170, entitled "AN ORDINANCE AMENDING ORDINANCE 972 OF THE COUNTY DESIGNATED AS THE "1996 PUBLIC SAFETY BOND ORDINANCE" IN ORDER TO PROVIDE ADDITIONAL PURPOSES FOR WHICH INVESTMENT INCOME EARNED ON BOND PROCEEDS MAY BE EXPENDED; PROVIDING FOR ADOPTION AS IF AN EMERGENCY EXISTS AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING THE EFFECTIVE DATE HEREOF", be approved, adopted, and published in accordance with NRS 244.100.

97-1029 SPECIAL ASSESSMENT DISTRICT NO. 23 - SOUTHWEST POINTE/ARROW CREEK Resolution No. 1029[A]

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

A RESOLUTION DIRECTING THE ENGINEER ON BEHALF OF WASHOE COUNTY, NEVADA TO PREPARE AND FILE WITH THE COUNTY CLERK PRELIMINARY PLANS AND AN ASSESSMENT PLAT IN CONNECTION WITH A PROPOSED PROJECT IN WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 23 PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, Southwest Pointe Associates, L.L.C. and the Nell J. Redfield Trust (collectively, the "Developers"), the owners of 100% of the property (except for property owned by the County or other government) located in a proposed assessment district to be known as the "Washoe County, Nevada Special Assessment District No. 23" (the "District"), have heretofore presented to the Board of County Commissioners of the County (the "Board") a written petition requesting the County to initiate the acquisition and improvement of the project hereinafter more specifically described (the "Project") pursuant to Chapter 271, Nevada Revised Statutes and all laws amendatory thereof and supplemental thereto.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR WASHOE COUNTY, IN THE STATE OF NEVADA:

Section 1. The Utility Services Manager and the Director of Public Works (collectively, the "Engineer"), is hereby directed to prepare and file with the County Clerk preliminary plans showing a typical section of the contemplated improvements, the type or types of material, approximate thickness and wideness, and a preliminary estimate of the total cost (including all incidental costs), and a preliminary estimate of the portion of the total cost to be assessed for the acquisition and improvement of the Project. The Project consists of the construction and acquisition of certain improvements within the District in and along the property described in "Exhibit A", placed on file with the Clerk, all appurtenances and incidentals necessary, useful or desirable, including real and other property therefor, which Project is more particularly described in "Exhibit B", placed on file with the Clerk.

Section 2. Except as shown on the preliminary plans for the District to be filed by the Engineer in the office of the County Clerk, the character and location of the Project shall be as described in Section 1 hereof.

Section 3. The Engineer is hereby directed to estimate the cost of each type of construction in a lump sum or by unit prices, as to the Engineer may seem most desirable, for the construction, acquisition, improvement and installation of the Project. Such preliminary estimate of costs shall also include, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement attributable to the costs in the District and the payment of the cost thereof. Such preliminary estimate shall also include the amounts estimated to be deposited from bond proceeds in reserve and other funds for the bonds to be issued by the County to provide the funds for the acquisition and improvement of the Project. The entire cost of the Project is of special benefit and shall be paid by special assessment against the lots, tracts and parcels of land benefited.

Section 4. The Engineer is hereby directed to prepare and file with the County Clerk an assessment plat and addendum showing the area to be assessed, the market value and a description of each lot, tract or parcels of land, the name and address of the owner, and the amount of estimated maximum benefits to be assessed against each lot, tract and parcel of land. The assessments shall be apportioned among the parcels of land on a capacity/modified area basis as described in "Exhibit C", placed on file with the Clerk. An equitable adjustment will be made for assessments to be levied against wedge or V or other irregularly shaped lots, tracts or parcels of land, if any, and for any lot, tract or parcel of land not specially benefited by the Project so that assessments according to benefits are to be equal and uniform. In any event, the assessments shall be against all lots, tracts and parcels of land benefited by the Project proportionally to benefits received. Such basis of assessments is hereby designated by the Board.

Section 5. The location of the District including the parcels to be assessed is as described in "Exhibit A", placed on file with the Clerk.

Section 6. The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

Section 7. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the County directed toward the District and the Project is ratified, approved and confirmed.

Section 8. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

Section 9. In any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 10. This resolution shall be in full force and effect from and after its adoption.

Resolution No. 1029[B]

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

A RESOLUTION DIRECTING THE ENGINEER ON BEHALF OF WASHOE COUNTY, NEVADA TO PREPARE AND FILE WITH THE COUNTY CLERK FULL AND

DETAILED PLANS, COST ESTIMATES AND AN ASSESSMENT PLAT IN CONNECTION WITH A PROPOSED PROJECT IN WASHOE COUNTY SPECIAL ASSESSMENT DISTRICT NO. 23 PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW AND ALL LAWS AMENDATORY THEREOF AND SUPPLEMENTAL THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, Southwest Pointe Associates, L.L.C. and the Nell J. Redfield Trust (collectively, the "Developers"), the owners of 100% of the property (except for property owned by the County or other government) located in a proposed assessment district to be known as the "Washoe County, Nevada Special Assessment District No. 23" (the "District"), have heretofore presented to the Board of County Commissioners of the County (the "Board") a written petition requesting the County to initiate the acquisition and improvement of the sanitary sewer project hereinafter more specifically described (the "Project") pursuant to Chapter 271, Nevada Revised Statutes and all laws amendatory thereof and supplemental thereto.

WHEREAS, pursuant to the direction of the Board set forth in a resolution adopted on the same date herewith (the "Preliminary Resolution"), the Utility Services Manager and Director of Public Works (collectively, the "Engineer"), has presented to the Board the following documents:

- A. Preliminary plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material and approximate thickness and wideness, for the District,
- B. A preliminary estimate of the total cost of the Project, including in said estimate the incidental expenses,
- C. An assessment plat or map, including as an addendum thereto the "Tabulation of Parcels" or "Preliminary Assessment Roll," showing the descriptions of the property to be assessed, the amounts of the preliminary assessments, the amount of the maximum benefits, the market values of such parcels, and the name and address of the owner (and appendices thereto showing the legal descriptions or deeds for such parcels), and
- D. The Engineer's report to the Board as to the method of determining benefits and ultimately the amount of the assessments for the Project; and

WHEREAS, the Board has reviewed such documents and, subject to any changes and modifications suggested by the Board to the Engineer at this meeting, has found such documents to be satisfactory to the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, IN THE STATE OF NEVADA:

Section 1. The Board has determined, and does hereby determine, that it is advisable to acquire and improve the Project.

Section 2. The Engineer is requested and directed to prepare in the manner required by law and present to the Board:

- (a) An accurate estimate of the total cost of the Project, including each of the incidental expenses;

(b) Full and detailed plans and specifications for the Project with construction drawings, showing a typical section of the contemplated improvements for the District; and

(c) A map and assessment plat showing the location of each portion of the Project and the property to be assessed.

Section 3. The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

Section 4. All action heretofore taken (not inconsistent with the provisions of this resolution) by the County and the officers of the County directed toward the District and the Project is ratified, approved and confirmed.

Section 5. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall be in full force and effect from and after its adoption.

Resolution No. 97-1029[C]

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

A RESOLUTION DECLARING THE NECESSITY OF THE CREATION OF THE WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 23; ORDERING THE PREPARATION OF AN ASSESSMENT ROLL FOR SUCH DISTRICT; APPROVING THE FORM OF A FINANCING AGREEMENT RELATING TO SUCH DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, Southwest Pointe Associates, L.L.C. and the Nell J. Redfield Trust (collectively, the "Developers"), the owners of 100% of the property (except for property owned by the County or other government) located in a proposed assessment district to be known as the "Washoe County, Nevada Special Assessment District No. 23" (the "District"), have heretofore presented to the Board of County Commissioners of the County (the "Board") a written petition requesting the County to initiate the acquisition and improvement of the sanitary sewer project hereinafter more specifically described (the "Project") pursuant to Chapter 271, Nevada Revised Statutes and all laws amendatory thereof and supplemental thereto.

WHEREAS, the County and the Developers, pursuant to such petition, propose to enter into a contract for the acquisition and improvement of the Project which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Utility Services Manager and Director of Public Works (collectively, the "Engineer"), has presented to the Board the following documents:

- (A) An accurate estimate of the total cost of the Project for the District, including in said estimate the incidental expenses;
- (B) Full and detailed plans and specifications for the Project, with construction drawings, showing a typical section of the contemplated improvements for the District; and
- (C) A map and assessment plat showing the location of each portion of the Project and the property to be assessed; and

WHEREAS, the Board has reviewed the documents listed above and has found such documents to be satisfactory to the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, IN THE STATE OF NEVADA:

Section 1. Based upon the foregoing, the Board hereby finds and determines that (a) the public convenience and necessity require the creation of the Washoe County, Nevada Special Assessment District No. 23 and (b) the creation of the Washoe County, Nevada Special Assessment District No. 23 is economically sound and feasible.

Section 2. The Board has determined and does hereby declare that the estimated net cost to the County of the Project (including all necessary incidental expenses which either have been or will be incurred in connection with the District) is \$ 12,825,000, all of which is to be assessed against the benefited lots, tracts and parcels of land in the District.

Section 3. The Engineer is hereby authorized, ordered and directed to make out and prepare an assessment roll for the District containing, among other things:

- (a) The name and address of each last-known owner of each lot, tract or parcel of land to be assessed, or if not known that the name is "unknown", and
- (b) A description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment to be levied thereon, apportioned upon the basis for assessments heretofore determined by the Board.

Section 4. Immediately upon the adoption of this resolution the County Clerk shall cause a copy of this resolution to be furnished to the Engineer. When the Engineer has made out and prepared the assessment roll pursuant to Section 3 of this resolution, it shall report the assessment roll to the Board and shall cause the same to be filed in the office of the County Clerk and numbered. The Engineer shall submit an executed certificate, which certificate, duly executed, shall accompany the assessment roll and be as follows:

Section 5. The County shall enter into a contract for the acquisition and improvement of the Project in the form of the Financing Agreement dated as of October 14, 1997 (the "Financing Agreement") between the County and the Developers on file with the Clerk prior to this meeting. The Chairman, Board of County Commissioners is hereby authorized and directed to execute and deliver the Financing Agreement and the County Clerk is hereby authorized and directed to affix the seal of the County to and to attest the Financing Agreement.

Section 6. The County shall also enter into the Payment Guarantee dated as of November 1, 1997 (the "Payment Guarantee") with the Southwest Pointe Associates, L.L.C. for the guaranty of the payment of the assessments in substantially the form attached to the Financing Agreement with only such changes therein, if any, as are not inconsistent herewith. The Chairman of the Board of County Commissioners is hereby authorized and directed to execute an acceptance of the Payment Guarantee and the County Clerk is hereby authorized and directed to affix the seal of the County to and to attest the Payment Guarantee.

Section 7. If bonds are issued for the Project, the Assistant County Manager-Finance or her designee is hereby authorized to approve all requests for payment by the County for the acquisition of each Subproject described in the Financing Agreement, subject to and in accordance with the applicable provisions of the Financing Agreement. Upon such approval, the County Treasurer is hereby authorized to make such payments to the Developers, without the necessity of any further authorization or approval by the Board.

Section 8. The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

Section 9. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the County directed toward the District and the Project is ratified, approved and confirmed.

Section 10. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

Section 11. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 12. This resolution shall be in full force and effect from and after its adoption.

Resolution No. 97-1029[D]

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute on behalf of Washoe County:

A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT AND THE APPROVAL OF AN OFFICIAL STATEMENT IN CONNECTION WITH THE WASHOE COUNTY, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 23 LOCAL IMPROVEMENT BONDS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, pursuant to Chapter 271, Nevada Revised Statutes (the "Act"), the Board of County Commissioners (the "Board") of Washoe County, Nevada has heretofore taken certain preliminary action towards the issuance of local improvement bonds (the "Bonds") in a total principal amount which will not exceed the amount of unpaid special assessments to be levied in the special improvement district to be known as the "Washoe County, Nevada Special Assessment District No. 23" (the "District") in order to provide funds to pay the costs of certain sanitary sewer

improvements therein (the "Project"); and

WHEREAS, the Board has determined to proceed with the sale of the bonds at this time.

Section 1. The Assistant Manager - Finance Division is hereby authorized to negotiate the sale of the Bonds with Stone & Youngberg (the "Underwriter") and if acceptable terms are negotiated, to execute and deliver the Bond Purchase Contract on behalf of the County with the Underwriter, subject to ratification by the Board by the adoption of a bond ordinance specifying the Bond terms and details and approving their sale.

Section 2. The County hereby authorizes and approves the use of a preliminary official statement (the "Preliminary Official Statement") by the Underwriter in connection with the offering of the Bonds. The Assistant Manager - Finance Division, or other person designated by the County Manager, is hereby authorized to deem the Preliminary Official Statement as a "nearly final Official Statement" for purposes of Rule 15c2-12 of the Securities and Exchange Commission. The County hereby approves the distribution by the Underwriter of a final Official Statement in connection with the offering of the Bonds, which final Official Statement shall be substantially in the form of the Preliminary Official Statement with only such changes as shall be approved in writing by the Assistant Manager - Finance Division, or other person designated by the County Manager, prior to the delivery of the Bonds.

Section 3. The officers of the County shall take all action in conformity with the Act necessary or reasonably required to effectuate the delivery of the bonds and shall take all action necessary or desirable in conformity with the Act to carry out, give effect to and consummate the transactions contemplated by this resolution and the Bond Purchase Contract.

Section 4. All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the County directed toward the District, the Bonds and the Project is ratified, approved and confirmed.

Section 5. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution, are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution, or part thereof, heretofore repealed.

Section 6. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 7. This resolution shall be in full force and effect from and after its adoption.

BILL NO. 1171 - ORDINANCE NO. 996 - CREATING SAD NO. 23

Following the introduction of Bill No. 1171 by Commissioner Galloway, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that Ordinance No. 996, Bill No. 1171 entitled "AN ORDINANCE CREATING THE WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 23; ORDERING A PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; PRESCRIBING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF," be approved, adopted and

published in accordance with NRS 244.100.

Resolution No. 1029-[E]

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Bond be authorized to execute:

A RESOLUTION VALIDATING AND CONFIRMING THE ASSESSMENT ROLL FOR THE WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 23; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, Washoe County in the State of Nevada (the "County" and "State", respectively), is a county organized and operating under the laws of the State of Nevada; and

WHEREAS, the Board of County Commissioners for Washoe County (the "Board") has heretofore determined and does hereby declare that the net cost to the County of all the sanitary sewer project (the "Project") for Washoe County, Nevada Special Assessment District No. 23 (the "District") (including all necessary incidental expenses which either have been or will be incurred in connection with the District) is \$ 12,825,000, all of which is to be assessed against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, Board by a resolution duly adopted on October 14, 1997 directed the Utility Services Manager and the Director of Public Works (collectively, the "Engineer"), to make out a preliminary assessment roll; and

WHEREAS, the Board together with the Engineer made out an assessment roll for the District which contains, among other things, the names and addresses of the last-known owners of each lot, tract and parcel of land to be assessed, or if not known stating that the name is "unknown," a description of each lot, tract or parcel of land to be assessed, and the amount of the proposed assessment to be levied thereon and the Engineer has reported such assessment roll to the Board and filed the same with the County Clerk; and

WHEREAS, the Board has determined, and does hereby again determine, that all of the assessable property in the District which is specially benefited by the Project, and only the property which is so specially benefited, is included on the assessment roll heretofore filed with the County Clerk on October 14, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, IN THE STATE OF NEVADA:

The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Engineer, and filed in the records of the office of the County Clerk on October 14, 1997.

The officers of the County are directed to take all action necessary to effectuate the provisions of this resolution.

All action heretofore taken (not inconsistent with the provisions of this resolution) by the Board and the officers of the County concerning the District and the Project, including, but not limited to, the acquisition and improvement of the Project and the validation and confirmation of the assessment roll and the assessments therein, is ratified, approved and confirmed.

All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order or resolution, or part of thereof, heretofore repealed.

If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution. This resolution shall be in full force and effect from and after its adoption.

BILL NO. 1172 - ORDINANCE NO. 997 - SPECIAL ASSESSMENT DISTRICT NO. 23 - PAYMENT OF COSTS AND EXPENSES

Following the introduction of Bill No. 1172, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that Ordinance No. 997 entitled "AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA SPECIAL ASSESSMENT DISTRICT NO. 23; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF A PROJECT IN THE DISTRICT; ASSESSING THE COST OF SUCH PROJECT AGAINST THE ASSESSABLE PARCELS OF LAND BENEFITED BY SAID PROJECT; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE SPECIAL ASSESSMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND IMPROVEMENT OF SUCH PROJECT; PRESCRIBING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF, be approved, adopted and published in accordance with NRS 244.100.

FINANCING AGREEMENT - SPECIAL ASSESSMENT - DISTRICT NO. 23

On motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that a Financing Agreement between Washoe County, Southwest Pointe Associates, L.L.C., Helen Jeane Jones, Kenneth G. Walker, and Gerald C. Smith, as Trustees of the Nell J. Redfield Trust concerning Special Assessment District 23 be approved; that Vice Chairman Mouliot be authorized to execute; and that the Utility Services Division Manager be authorized to record same with the County Recorder.

97-1030 REVISED MANAGEMENT SALARY SCHEDULE

Upon recommendation of John MacIntyre, County Manager, on motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the Board's action on September 16, 1997 [Item No. 97-973] be clarified to specify that the effective date of the revised Management Salary Schedule is July 1, 1997.

97-1031 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-F-01[A] (ADMINISTRATIVE CHANGES)

County Manager John MacIntyre advised that he had received a request for continuance from Gary Pakele, attorney representing Gary Schmidt concerning CPA97-F-01[A] (Administrative Changes) and Appeal of CPA97-F-01[B] (Gary Schmidt) stating that the applicant has requested that this item and the following item be heard at a time when a full Board will be present. Mr. Schmidt was present stating that he would prefer a night meeting to ensure that several individuals wishing to testify on his behalf could be present.

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 3, 1997, to consider the Washoe County Planning Commission's recommendation to approve the administrative changes on the land use map to redesignate federal lands not

slated for disposal shown on the Open Space Plan from General Rural (GR) to Open Space (OS).

The following parcels are proposed to be designated Open Space (OS): Assessor Parcel Numbers 041-030-02, 03, 04 05 and 09; Assessor Parcel Number 046-041-06; Assessor Parcel Number 046-051-07; Assessor Parcel Numbers 046-060-12, 13 and 22; Assessor Parcel Number 047-150-01; Assessor Parcel Numbers 048-010-01, 02, 03, 05, 06, 08, 10, 11, 12, 13, 14, 15 and 16; Assessor Parcel Numbers 048-020-01, 02, 03, 04, 07, 09, 11, 12, 14 and 15; Assessor Parcel Numbers 048-030-01, 02, 03, 04, 05, 07, 10, 11, 12 and 13; Assessor Parcel Numbers 048-041-04, 05, 06, 07, 08, 10, 11 and 12; Assessor Parcel Number 048-042-02; Assessor Parcel Numbers 048-061-01 and 03; Assessor Parcel Number 048-062-03; Assessor Parcel Number 048-112-08; Assessor Parcel Number 048-120-20 and 21; Assessor Parcel Number 055-010-01, 02, 03, 04, 05, 07, 08, 09, 12, 19, 20, 23, 24, 25, 38, 39, 40, 41, 43, 45 and 46; Assessor Parcel Number 055-110-01 and 02; Assessor Parcel Number 055-180-05; Assessor Parcel Numbers 055-301-12 and 13; Assessor Parcel Numbers 049-010-01, 02, 03, 14, 15, 16 and 19; Assessor Parcel Number 126-010-54; Assessor Parcel Numbers 126-020-02 and 03; Assessor Parcel Numbers 130-010-05, 06 and 07 and to consider Assessor Parcel Number 047-150-03 held in public ownership and slated for disposal by the United States Forest Service. Additionally, administrative changes on the Public Services and Facilities Plan are proposed to remove public trails under the authority of Washoe County Park and Recreation plan. Additional administrative changes are proposed to reintroduce the entire Forest Area Plan geographic information system map series to reflect the new department name and logo and any necessary changes as required by approval of all or any portion of the proposed amendment as well as appropriate text changes, including the revised table of land use acreage's to match the approved map changes. All the parcels under consideration are designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan amendment should not be required.

AND

APPEAL OF COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-F-01 [B] (GARY SCHMIDT)

Consider the appeal of the decision of the Planning Commission that denied a request to amend the Forest Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment requested re-designation of Assessor's Parcel Number 48-070-10 from the land use category of Medium Density Suburban (MDS: max 3 dwellings per acre) and General Rural (GR) to Tourist Commercial (TC) and to re-designate Assessor's Parcel Number 048-081-03 from Medium Density Suburban (MDS: max 3 dwellings per acre) to General Commercial (GC). The amendment request would allow a net increase in tourist/general commercial development potential of up to 6 acres.

Assessor's Parcel Number 48-070-10 is located north of Mt. Rose Highway and is currently developed as the Tannenbaum Ski Area. Assessor's Parcel Number 048-081-03 is situated on the south side of Mt. Rose Highway immediately adjacent and south of the Reindeer Lodge. The properties are approximately 2.5 miles southwest of Galena Forest Estates. The parcels are found within the Pleasant Valley Hydrographic Basin, in Section 17, T17N, R19E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Vice Chairman Mouliot opened the public hearing by calling on anyone wishing to speak. There being no response, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that CPA97-F-01[A] and CPA97-F-01[B] be continued to October 28, 1997 at 5:00 p.m.

[later rescheduled to November 18, 1997 at 5:00 p.m.]

97-1032 BILL NO. 1168 - ORDINANCE NO. 993 - AMENDING WCC CHAPTER 20 - IMPOSITION OF \$10 ADMINISTRATIVE FEE FOR JUSTICE COURTS

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 3, 1997, to consider second reading and adoption of Bill No. 1168. Proof was made that due and legal Notice had been given.

Vice Chairman Mouliot opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that Ordinance No. 993, Bill No. 1168, entitled, "AN ORDINANCE AMENDING CHAPTER 20 OF THE WASHOE COUNTY CODE BY ADDING THERETO PROVISIONS AUTHORIZING JUSTICE COURTS TO IMPOSE A \$10 ADMINISTRATIVE ASSESSMENT," be approved, adopted and published in accordance with NRS 244.100.

97-1033 BILL NO. 1169 - ORDINANCE NO. 994 - CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA)

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 3, 1997, to consider second reading and adoption of Bill No. 1169. Proof was made that due and legal Notice had been given.

Vice Chairman Mouliot opened the public hearing and called on anyone wishing to speak for or against the adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that Ordinance No. 994, Bill No. 1169, entitled, "AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA); ORDERING A STREET PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF STREET IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 25 (CALLE DE LA PLATA); AND PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

97-1034 RESOLUTION - ACCEPTING RIGHT-OF-WAY - CALLE DE LA PLATA DRIVE - ENGINEERING

Upon recommendation of David Price, County Engineer, through David Roundtree, Public Work Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted and Vice Chairman Mouliot be authorized to execute:

RESOLUTION FOR ACCEPTING RIGHT-OF-WAY DIVISION OF LAND MAP FOR ARTHUR M. PASTEL, MAP NO. 20, DOCUMENT NO. 471405, RECORDED JUNE 21, 1977 AND DIVISION OF LAND MAP FOR ARTHUR M. PASTEL, MAP NO. 23, DOCUMENT NO. 477226, RECORDED JULY 19, 1977;

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, the right of way of Calle De La Plata was offered for dedication by Division of Land Map No. 20, Document No. 471405, recorded

June 21, 1977 and Division of Land Map No. 23, Document No. 477226, recorded on July 19, 1977; and

WHEREAS, said offer of dedication for Calle De la Plata has not been accepted by the Board of County Commissioners; and

WHEREAS, said right-of-way will be maintained by Washoe County; and

WHEREAS, said right-of-way is necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said right-of-way.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, that the right-of-way for Calle De La Plata shown on Division of Land Map Nos. 20 and 23 is hereby accepted.

BE IT FURTHER RESOLVED, and hereby ordered, that the Clerk of Washoe County shall record this resolution in the Office of the Washoe County Recorder.

#### 97-1035 AWARD OF BID - 1997 CALLE DE LA PLATA ROAD IMPROVEMENTS - SPANISH SPRINGS SPECIAL ASSESSMENT DISTRICT NO. 25

This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on September 24, 1997, for 1997 Calle De La Plata road improvements for Spanish Springs Special Assessment District No. 25 on behalf of the Engineering Division of the Public Works Department.

Proof was made the due and legal Notice had been given. Bids, copies of which were placed on file with the Clerk, were received from the following contractors:

Granite Construction Company	\$266,266.00
Atlas Contractors, Inc.	\$270,340.00
A & K Earthmovers	\$303,302.00
Sierra Nevada Construction	\$319,448.00
Frehner Construction Company, Inc.	\$355,000.00

Upon recommendation of David Price, County Engineer, through David Roundtree, Public Works Director, motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the bid for 1997 Calle De La Plata Road Improvements for the Spanish Springs Special Assessment District No. 25 be awarded to the low, responsible bidder Granite Construction Company, in the amount of \$266,266.00; and that Vice Chairman Mouliot be authorized to execute the contract when presented.

#### 97-1036 PRELIMINARY MITIGATION PLAN (PMP) - UNION PACIFIC/SOUTHERN PACIFIC RAILROAD MERGER - FORMAL COMMENTS - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on October 3, 1997 to receive and provide formal comments as part of the public review process concerning a Report on the Preliminary Mitigation Plan (PMP) for the Union Pacific/Southern Pacific Railroad Merger to be relayed back to the Surface Transportation Board, Section of Environmental Analysis. Proof was made that due and legal Notice had been given.

Bob Webb, Department of Community Development, reviewed information contained in a staff report and answered questions of the Board concerning the (PMP) for the railroad merger.

Merri Belaustegui, Deputy City of Reno Attorney/ Mitigation Task Force Member, and Mark Demuth, MADCON Consultation Services, discussed a mailer and comment document prepared by the City of Reno and gave a viewfoil presentation regarding the PMP.

Brian Jennison, Director of Air Quality, District Health Department, discussed concerns regarding nitrogen levels that would be concentrated in the Truckee Meadows as a result of the increased levels of oxides.

James Kinsby, a resident of Verdi, expressed his concerns regarding deficiencies in the PMP citing issues of non-conformance to modern times, lack of cooperation with local law enforcement regarding safety, bridges that are in disrepair, and disregard to outlying communities with regard to safety and noise issues.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Moullet ordered that the following formal comments from the County Commission be forwarded to the Surface Transportation Board, local governments and other interested agencies concerning the Preliminary Mitigation Plan (Reno) for the UP/SP Merger, Finance Docket No. 32760.

1. Based on information provided to the Washoe County Board of County Commissioners during the public hearing concerning the Reno Mitigation Study Preliminary Mitigation Plan (PMP) for the Union Pacific (UP) and Southern Pacific (SP) merger, the Board supports and endorses the City of Reno comments on the PMP. The City of Reno comments are recorded within the City of Reno Preliminary Mitigation Plan Comment Document submitted on October 15, 1997 for Finance Docket No. 32760. A copy of the text of this comment document was provided to the County Commissioners during their public hearing on October 14, 1997.
2. The Board of County Commissioners further supports County staff comments on specific items within the PMP which are inadequate. These staff comments were noted in the staff report prepared for the public hearing and are as follows:
  - a. No time limit is provided in the PMP for the Union Pacific Railroad to complete its inspection of railroad tracks and railroad crossings within Washoe County. Additionally, the PMP should contain specific mitigation measures requiring the Union Pacific Railroad to repair any noted deficiencies within a specified time period.
  - b. The PMP should include a specific mitigation measure to inform residences and businesses on the south side of the railroad tracks serviced by Woodland Avenue of the emergency access route available should the railroad crossing be blocked.
  - c. The PMP should provide specific mitigation measures to provide for emergency access to the residential communities serviced by the

following roads: Stag Lane, Del Curto Lane and Canal Road. The PMP does not evaluate emergency access for either Stag Lane or Canal Road. Although the PMP does evaluate emergency access for Del Curto Lane, the plan does not provide costs nor alternatives to provide emergency access to that area. Additionally, the conclusion of the PMP to not mandate the construction of an emergency access route for the Del Curto Lane area is unacceptable.

d. The PMP does not discuss merger related impacts on the community of Gerlach, Nevada which lies along the Feather River route. Of particular concern is the potential for hazardous material spills and subsequent slow response times to an emergency due to the remoteness of Gerlach. The PMP should fully evaluate environmental impacts in the Gerlach area.

e. HAZMAT mitigation measures specific to the Truckee Meadows (Reno, Sparks, and south Washoe County) are not contained in the PMP. The PMP relies upon system wide mitigation conditions imposed by the STB in its Decision 44 as adequate to address HAZMAT spills in the Truckee Meadows. Mitigation measures should be specific to the Truckee Meadows area and should contain identified time periods for the Union Pacific Railroad to complete the measures. Additionally, the PMP should evaluate the potential for either ground or surface water contamination through normal operations on the railroad tracks or in the railroad yards at Sparks (e.g., oil or diesel fuel spills).

f. The PMP does not evaluate nor analyze noise impacts on the community of Verdi, Nevada. A noise evaluation, analysis, and appropriate mitigation measures for Verdi should be part of the PMP.

3. There was serious and real economic damages resulting from increased train traffic through Reno and Washoe County that need to be mitigated, whether through the Reno Mitigation Study process or outside of the process, but in some definitive manner.

4. The Preliminary Mitigation Plan inadequately addresses public safety, specifically with regard to response to maintenance and preventive maintenance.

5. The time frame for allowing increased train traffic through the Reno and Washoe County area is too short and will occur too soon. This short time frame is a disincentive to any reasonable negotiations to resolve the serious problems noted in this public hearing. The time period before allowing increased train traffic should be extended.

6. An additional reason to not proceed with increased train traffic through Reno and Washoe County, and to illustrate the inadequacy of the PMP mitigation measures, is that the PMP does not take into account that the existing rail system is inadequate for present levels of train traffic. The evidence shown in the video (taken along the railroad tracks from the Nevada State line toward Reno) highlights rotting railroad ties and totally unsafe conditions next to our water supply. The Southern Pacific Railroad knew that it was financially in trouble, so they were not making adequate repairs nor were they improving their system because they were short of cash flow. The Board of County Commissioners is opposed to expanding the train traffic levels on a system that is already inadequate for its current train traffic loads.

7. The Board of County Commissioners emphasizes the importance of an Environmental Impact Statement under the National Environmental Protection Act (NEPA) being completed for the Reno, Sparks and Washoe County area as part of the merger.

8. Air Quality concerns noted by Dr. Jennison (Air Quality Officer for the Washoe County District Health Department) during the public hearing

are not adequately addressed in the PMP. These concerns include:

a. The railroad currently represents between 4 and 5 percent of the total inventory of oxides of nitrogen in Washoe County. If the Union Pacific Railroad increases the number of trains in the Truckee Meadows (Reno, Sparks and South Washoe), there will be a concentration of the impacts of emissions from locomotives in the area where the majority of our citizens live.

b. Washoe County District Health Department would like to see an air quality model run to characterize the possible impacts of the increase in oxides of nitrogen. This model would preferably be included as part of an EIS on the merger.

c. If additional train traffic is approved as part of the merger and the Reno Mitigation Study, then mitigation measures should be enacted which will require the Union Pacific Railroad to only use their most modern and "cleanest" locomotives in the Truckee Meadows area (Reno, Sparks, and south Washoe County).

9. The Board of County Commissioners feels that the exclusion of pre-existing conditions from the Reno Mitigation Study is inadequate and does not recognize current conditions within Reno and Washoe County. The Board believes that several of the conditions proposed to be imposed as Tier 1 measures (e.g., improvements on tracks and in yards to accommodate increased train speeds, installation of four quadrant gates, installation of detectors, etc.) address pre-existing conditions and would probably be implemented by the Union Pacific Railroad as sound operational practices, or to limit their liability, regardless of the PMP.

97-1037 COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-SWTM-02 - CLIFFORD AND KIYO SCHAFFER

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 3, 1997 to consider the Washoe County Planning Commission's recommendation to approve an amendment to the Southwest Truckee Meadows Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 49-351-24 from the land use category of Public and Semi-Public Facilities (PSP) to Low Density Suburban (LDS: max 1 dwelling per acre). The amendment request would allow a net change in residential development potential of up to 2 new residential dwelling units. The parcel totals 3.02ñ acres, addressed at 1000 Zolezzi Lane, is located south of Zolezzi Lane approximately .5 miles west of U.S. 395. The parcel is found within the Truckee Meadows Hydrographic Basin, in Section 20, T18N, R20E, MDB&M, Washoe County, Nevada. Administrative changes are necessary to reflect the changes requested within this application, including a revised table of land use acreage. The parcels are designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, therefore, a Regional Plan amendment should not be required. Proof was made that due and legal Notice had been given.

Sharon Kvas, Department of Community Development, reviewed background information concerning the proposed amendment and gave an overhead presentation describing the property and existing structures explaining that the request conforms to the South West Truckee Meadows Area Plan.

Vice Chairman Mouliot opened the public hearing and called on those wishing to speak and there being no response, the hearing was closed.

On motion by Commissioner Camp, seconded by Commissioner Galloway, which motion duly carried, Vice Chairman Mouliot ordered that Comprehensive Plan Amendment Case No. CPA97-SWTM-02 for Clifford and Kiyo Schaffer, be approved based on the following findings:

## FINDINGS:

1. The proposed amendment to the South West Truckee Meadows Area Plan demonstrates adequate future infrastructure capacity to serve the additional projected demand for the requested Low Density Suburban land use designation (Mandatory Finding: WCDC Section 110.208.45)
2. The proposed amendment to the South West Truckee Meadows Area Plan is in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendment conforms to policies SWTM.3.4, LUT.1.3, LUT.1.4, and LUT.1.14.
3. The proposed amendment to the South West Truckee Meadows Area Plan will provide for land uses compatible with existing and planned land uses to the north, south, east and west of the subject site (SWTM.3.4, LUT.1.3, LUT.1.14), and will not adversely impact the public health, safety or welfare.
4. The proposed amendment to the South West Truckee Meadows Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. The proposed amendment to the South West Truckee Meadows Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the South West Truckee Meadows Area Plan is the second amendment to the Plan in 1997, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the South West Truckee Meadows Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the County Commission public hearing.

97-1038 APPEAL -COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-SS-3 (ALAN ROCK)

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on October 3, 1997 to consider the appeal filed by Randal Walter, MacKay & Sons of the Washoe County Planning Commission's denial for a request to amend the Spanish Springs Area Plan, being a part of the Washoe County Comprehensive Plan. The amendment request would re-designate Assessor's Parcel Number 84-270-25 from the land use category of High Density Rural (HDR) to Low Density Suburban (LDS). The amendment request would allow a net change in residential development potential of up to 9 new residential dwelling units. The parcel totals 14+/- acres and is located south of La Posada Drive, approximately 2-1/2 miles east of the Pyramid Lake Highway. Administrative changes are necessary to reflect the changes requested within this

application, including a revised Public Services and Facilities Map and a revised table of land use acreage. The parcels are designated as "Suburban" on the Truckee Meadows Regional Plan land use diagram, therefore a Regional Plan amendment should not be required. The parcel is found within the Spanish Springs Hydrographic Basin, in Section 6, T20N, R21E, MB&M. Proof was made that due and legal Notice had been given.

Dean Diederich, Department of Community Development gave a brief background concerning this request and distributed copies of the Planning Commission minutes dated August 19, 1997 to the Board wherein this request was recommended for denial. Mr. Diederich reviewed various land use designations stating that High Density Rural (HDR) is the most intensive land use in the rural series of land uses; that Low Density Suburban (LDS) represents the lowest level of suburban land use designations; and that it is the County's opinion that in this case, the threshold would be crossed from a standard of individual wells and septic tanks to a requirement for community water and sewer service. He explained that the parcel being considered is located in a rural area where suburban land use is interfaced on the western side in the City of Sparks' Sphere of Influence; that it is situated on the edge of a suburban area; and that the proposed amendment may stretch the community's ability to provide suburban levels of service. Mr. Diederich then discussed the Planning Commission's findings, Mr. Walter's Appeal letter and answered questions of the Board concerning same.

Vice Chairman Mouliot opened the public hearing and called on those wishing to speak.

Randal Walter, MacKay & Somps, representing applicant, described the proposed project and displayed a map of the area including La Posada Drive and boundaries separating the City of Sparks's Sphere of Influence and Washoe County. Mr. Walter then discussed his appeal letter and the Planning Commission minutes concluding that in his opinion, the Board can make all of the findings specified in the Development Code concerning the subject property.

Alan Rock, applicant, explained that he had previously served as a member of the Washoe County Planning Commission and the Regional Planning Commission; that at that time, he requested CFA to remove his property from the Sparks Sphere of Influence and be placed back into the County as he did not want to compromise his position on the Planning Commission. Mr. Rock stated that the Planning Commission did not reference the findings in their motion; that they based their decision strictly on the fact there is no sewer to the subject property; that he is unable to tap in sewer service until an Area Plan Amendment is approved; that he is present today mainly due to the fact that the property belongs to his father and estate planning needs to be accomplished; and that he has waited eight years due to his position as a Planning Commissioner to remedy this problem. In conclusion, Mr. Rock spoke to the merits of the project stating that it is compatible with existing homes in the area; that it is his desire to do everything he can to mitigate concerns expressed by surrounding property owners; and that he is desirous of being a good neighbor.

In response to Commissioner Shaw's inquiry, Mr. Rock stated that he did not make a presentation to the CAB concerning the plan amendment and advised that he does not intend on doing anything with the property at this time.

The following individuals spoke in opposition to the Comprehensive Plan Amendment citing issues of density, incompatibility with the current Area Plan safety, quality of life, access to the site, impacts to the private portion of La Posada Road, view impairment, orderly development, traffic and precedent setting.

Walt Saner, a resident of La Posada Drive  
Liz Younger, Chair, Spanish Springs Citizens Advisory Board  
Donald Crank, a resident of Las Posada Court  
Clark Munson, President, Spanish Springs Valley Ranches  
Will Brown, Vice President Spanish Springs Valley Ranches  
Bert Bracy, a resident of La Posada Court

There being no one else wishing to speak, the Vice Chairman closed the public hearing.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Vice Chairman Mouliot ordered that the appeal filed by Randal Walter, MacKay & Somsps Civil Engineers, Inc., be denied; and that the Washoe County Planning Commission's recommendation for denial of Comprehensive Plan Amendment Case No. CPA97-SS-3 for Alan Rock be upheld based on the following findings:

#### FINDINGS:

1. The proposed amendments to the Spanish Springs Area Plan are not in substantial compliance with the policies and action programs of the Comprehensive Plan. The amendments do not conform to policies SS.7.3, POP.1.4, C.2.1.7, LUT.1.2 and PSF.1.10.
2. The proposed amendments to the Spanish Springs Area Plan will not provide for land uses compatible with adjacent existing and planned land uses and will adversely impact the public health, safety or welfare(LUT.1.14, LUT.2.4., PSF.5.4).
3. The proposed amendments to the Spanish Springs Area Plan do not respond to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners. The requested change requires the provision of "suburban" level public services that the citizens have stated a planning vision for "rural" services only.
4. The proposed amendments to the Spanish Springs Area Plan will not promote the desired pattern for the orderly physical growth of the County or adequately guide development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services. The extension of "suburban" densities into an existing "rural" area will require more public services than envisioned for the area through the year 2015, and is inconsistent with policies POP.1.4, POP.1.5, C.2.17, LUT.1.4, and LUT.1.12.
5. The Washoe County Planning Commission public hearing, prior to the adoption of the proposed amendment to the Spanish Springs Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 278.210(1).
6. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.

7. The Washoe County Commission gave reasoned consideration to information contained within the reports transmitted to the Washoe County Planning Commission and the Washoe County Commission, and information received during the Washoe County Commission public hearings.

97-1039 RECONVEYANCE OF WATER RIGHTS - SPANISH SPRINGS VALLEY - ALAN ROCK (ROCK NEVADA ENTERPRISES)

Alan Rock, Rock/Nevada Enterprises, discussed background information regarding a request to reconvey water rights in the Spanish Springs Valley approximating 606 acre-feet explaining that Rock/Nevada Enterprises previously purchased Water Reversion Deeds which stated that whatever water was not being utilized would be granted back to Rock.

Ross de Lipkau, representing Rock Nevada Enterprises, Inc., stated that he has reviewed the deeds with Deputy District Attorney George Campbell; that there are eight deeds at issue; that he requesting that the Board direct staff to confirm the number of acre feet due Rock; and prepare the necessary deeds for the reconveyance.

Assistant District Attorney, Madelyn Shipman, advised that there are some outstanding issues that require further investigation; and that she would suggest that this matter be brought back to the Board at a future date.

Following discussion, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Vice Chairman Mouliot ordered that staff, in coordination with Alan Rock and Ross DeLipkau, attorney representing Alan Rock/Rock Nevada Enterprises, further investigate the issue of water rights reconveyance. and report back to the Board on October 28, 1997 concerning same.

COMMISSIONER'/MANAGER'S COMMENTS

Vice Chairman Mouliot expressed concern regarding a recent incident wherein he escorted a gentleman to the Business License Division who was desirous of surrendering his wrecking yard license; and that due to provisions in the Development Code, that he is unable to do so. Madelyn Shipman, Assistant District Attorney, suggested bringing this matter back to Board for a future agenda item.

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There being no further business to come before the Board, the meeting adjourned at 10:10 p.m.

JOANNE BOND, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk